

Federal Defenders
OF NEW YORK, INC.

Eastern District
One Pierrepont Plaza-16th Floor, Brooklyn, NY 11201
Tel: (718) 330-1200 Fax: (718) 855-0760

David E. Patton
*Executive Director and
Attorney-in-Chief*

Eastern District
Peter Kirchheimer
Attorney-in-Charge

April 3, 2014

Honorable Allyne R. Ross
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Amaury Rosario, 99 CR 533 (ARR)

Dear Judge Ross:

I write to update the Court on the status of our preparation for the re-sentencing hearing in this matter, pursuant to Miller v. Alabama.

We have met with Mr. Rosario and retained a mitigation expert who is assisting us in conducting a comprehensive background investigation. We have subpoenaed numerous entities for, among other things, prison records, educational records, medical records, and court records. We have not received much back yet, and continue to follow up with these entities. We expect that the records will be voluminous. Once we complete the initial phases of our investigation it is likely that we will retain one or two experts in addition to our mitigation expert.

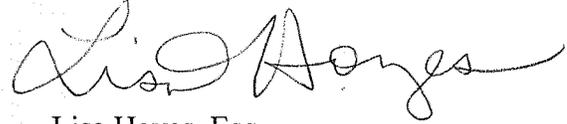
Mr. Rosario is currently incarcerated in Waymart, Pennsylvania. I understand that the assigned Assistant United States Attorney, Douglas Pravda, either has, or is in the process of, requesting that Mr. Rosario be transferred to the MDC. Unfortunately, while Mr. Rosario is in Pennsylvania, it has been extremely difficult for members of our defense team to visit him as needed, due to a variety of prison visit regulations and procedures. Once Mr. Rosario is at the MDC those barriers will disappear.

There is a great deal of work to be done to prepare for the hearing, as it is our impression that there exists a large amount of mitigation evidence, including mental health evidence, that was not available to the Court for the initial sentencing.

We understand that the Court would like this matter to go forward as soon as possible, however, based on our assessment of what needs to be done, it is unlikely that we would be ready for a hearing any sooner than the Fall. I have discussed these scheduling issues with Mr. Pravda, and he agrees that a date in the Fall is realistic for the government as well.

Based on the above, I respectfully request that the Court schedule a status conference during the first week of September.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa Hoyes". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lisa Hoyes, Esq.
Assistant Federal Defender
(718) 330-1253

cc: Douglas Pravda, AUSA
Amaury Rosario, USP Canaan, Reg. # 49381-019